

## **TITLE 18. BOARD OF EQUALIZATION**

### **The State Board of Equalization Proposes to Adopt Amendments to California Code of Regulations, Title 18,**

NOTICE IS HEREBY GIVEN that the State Board of Equalization (Board), pursuant to the authority vested in it by Government Code section 15606 and Revenue and Taxation Code (RTC) sections 7051, 8251, 9251, 11651, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301 and 60601, proposes to adopt amendments to California Code of Regulations, title 18, sections (Regulations) 1705.1, *Innocent Spouse or Registered Domestic Partner Relief from Liability*, 4903, *Innocent Spouse or Registered Domestic Partner Relief from Liability*, 5240, *Persons Who May File, Contents of, and Manner of Filing Requests for Innocent Spouse Relief*, 5241, *Acknowledgement and Review of Requests for Innocent Spouse Relief*, and 5242, *Requests for Reconsideration by the Board*. The proposed amendments make the Board's administration of the RTC provisions for innocent spouse relief and other equitable relief (cited below) more efficient by providing for the filing of one request for innocent spouse relief, the review of that request by the Board's Offer in Compromise Section to determine if either innocent spouse relief or other equitable relief is warranted at the same time, and the ability to request reconsideration from the Board if an individual requesting relief is not granted either innocent spouse relief or other equitable relief from all the liabilities in his or her request.

The proposed amendments also replace all of Regulations 1705.1's and 4903's references to "claims," "claiming spouse," and "nonclaiming spouse" with references to "requests," "requesting spouse," and "non-requesting spouse," respectively, so that Regulations 1705.1, 4903, and 5241 use consistent and accurate terminology. The proposed amendments make minor grammatical and formatting changes to renumbered subdivisions (g) and (h) in Regulations 1705.1 and 4903, delete the cross-references to specific subdivisions in Regulations 1705.1 and 4903 from Regulations 5240 and 5242 because the specific subdivision references are not necessary, add an inadvertently omitted "s" to the end of Oil Spill Response, Prevention and Administration "Fee" in Regulation 5240, subdivision (a), and revise the reference to Regulation 5241, subdivision (d), present in subdivision (c) of Regulation 5242 so that it refers to Regulation 5241, subdivision (c). And, the proposed amendments add references to RTC sections 60601 and 60210.5 to Regulations 5240's, 5241's, and 5242's authority and

reference notes, respectively, to address omissions from prior amendments to the regulations.

## PUBLIC HEARING

The Board will conduct a meeting in Room 121, at 450 N Street, Sacramento, California, on September 15-17, 2015. The Board will provide notice of the meeting to any person who requests that notice in writing and make the notice, including the specific agenda for the meeting, available on the Board's Website at [www.boe.ca.gov](http://www.boe.ca.gov) at least 10 days in advance of the meeting.

A public hearing regarding the proposed regulatory action will be held at 9:30 a.m. or as soon thereafter as the matter may be heard on September 15-17, 2015. At the hearing, any interested person may present or submit oral or written statements, arguments, or contentions regarding the adoption of the proposed amendments to Regulations 1705.1, 4903, 5240, 5241, and 5242.

## AUTHORITY

Regulation 1705.1:	RTC section 7051
Regulation 4903:	RTC sections 8251, 9251, 11651, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301, and 60601
Regulations 5240-5242:	Government Code section 15606; and RTC sections 7051, 8251, 9251, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301, and 60601

## REFERENCE

Regulation 1705.1:	RTC sections 6066, 6067, 6456 and 6901-6908; and Family Code sections 297 and 297.5
Regulation 4903:	RTC sections 7657.5, 8101-8131, 8880, 9151-9156, 11408.5, 11551-11555, 30285, 30361-30384, 32258, 32401-32407, 38454.5, 38601-38607, 40105, 40111-40117, 41099, 41100-41106, 43159.1, 43159.2, 43451-43456, 45158, 45651-45656, 46159, 46501-46507, 50112.6, 50139-50142.2, 55045.1, 55221-55226, 60210.5, and 60501-60512; and Family Code sections 297, 297.5, and 308
Regulation 5240-5242:	RTC sections 6456, 7202, 7203, 7261, 7262, 7270, 7657.5, 8880, 30285, 32258, 38454.5, 40105, 41099, 43159.1, 43159.2, 45158, 46159, 50112.6, 55045.1, and 60210.5

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

### Summary of Existing Laws and Regulations

In 1993, section 6456 was added to the RTC by Assembly Bill No. 1288 (Stats. 1993, ch. 181) to authorize the Board to prescribe regulations under which a spouse may be relieved of a liability under the Sales and Use Tax Law (RTC, § 6001 et seq.) if:

- The liability is due to an understatement of tax that is attributable to the other spouse;
- The spouse being relieved did not know of and had no reason to know of the understatement; and
- It is inequitable to hold the spouse being relieved liable for the tax attributable to the understatement, taking into account whether the spouse being relieved significantly benefited directly or indirectly from the liability, and taking into account all other facts and circumstances.

The Board subsequently adopted Regulation 1705.1 in 1997 to implement, interpret, and make specific RTC section 6456. As relevant here, Regulation 1705.1 currently requires a spouse to file a “written request for relief” to be considered for innocent spouse relief under section 6456, subdivision (a). Also, Regulation 1705.1 currently refers to a spouse that has filed such a request as a “claiming spouse” and refers to the spouse of an individual requesting innocent spouse relief as the “nonclaiming spouse.”

In 2000, subdivision (f) was added to RTC section 6456 by Assembly Bill No. 2898 (Stats. 2000, ch. 1052) to authorize the Board to prescribe regulations under which a spouse may be relieved of a liability for any tax or deficiency for which “innocent spouse relief” is not available under RTC section 6456, subdivision (a). Under RTC section 6456, subdivision (f), such relief may be granted if, after taking into account all the facts and circumstances, the Board determines it is inequitable to hold the spouse liable for the tax or deficiency (or any portion thereof). The Board subsequently added subdivision (h) to Regulation 1705.1 in 2001 to implement RTC section 6456, subdivision (f)’s provisions for other “equitable relief.” As relevant here, Regulation 1705.1, subdivision (h) currently requires a spouse to file a request for equitable relief within the applicable statute of limitations to be considered for equitable relief under RTC section 6456, subdivision (f). In addition, in 2006, the name of Regulation 1705.1 was updated to include “Registered Domestic Partners,” and subdivision (j) was added to Regulation 1705.1 to explain that on and after January 1, 2005, registered domestic partners have the same rights to relief under RTC section 6456 and Regulation 1705.1 as spouses and all further references to “spouses” herein include registered domestic partners, unless otherwise noted.

In 2007, the Board adopted the Rules for Tax Appeals (Cal. Code Regs., tit. 18, § (Reg.) 5000 et seq.) to provide regulations governing the administrative and appellate review processes for all of the tax and fee programs administered by the Board. (Reg. 5000, *Statement of Intent; Title of Division.*) Regulations 5240, 5241, and 5242 were included

in the Rules for Tax Appeals to provide specific procedures for the Board's review of requests for innocent spouse relief and other equitable relief under RTC section 6456.

Regulation 5240 currently provides for the filing of a request for innocent spouse relief with the Board's Offer in Compromise Section. Subdivisions (a) through (c) of Regulation 5241 currently provide for the acknowledgement, review, and grant or denial of a request for innocent spouse relief by the Board's Offer in Compromise Section. If a request for innocent spouse relief is denied and it appears the individual who requested innocent spouse relief may be eligible for other equitable relief, then subdivisions (c) and (d) of Regulation 5241 also currently provide for the Offer in Compromise Section to:

- Send the individual a questionnaire and financial statement to complete and return to request other equitable relief; and
- Review the individual's completed questionnaire and financial statement to determine if other equitable relief is warranted.

Regulation 5242 currently provides that if a request for other equitable relief is denied, then the individual requesting relief may request that the denial be reconsidered by the Board at a Board hearing.

In 2007, the Legislature enacted Assembly Bill No. 1748 (Stats. 2007, ch. 342), which added 15 sections to the RTC to authorize the Board to prescribe regulations providing for innocent spouse relief and other equitable relief from liabilities imposed under the Motor Vehicle Fuel Tax Law (RTC, § 7657.5), Use Fuel Tax Law (RTC, § 8880), Private Railroad Car Tax Law (RTC, § 11408.5), Cigarette and Tobacco Products Tax Law (RTC, § 30285), Alcoholic Beverage Tax Law (RTC, § 32258), Timber Yield Tax Law (RTC, § 38454.5), Energy Resources Surcharge Law (RTC, § 40105), Emergency Telephone Users Surcharge Law (RTC, § 41099), Hazardous Substances Tax Law (RTC, §§ 43159.1, 43159.2), Integrated Waste Management Fee Law (RTC, § 45158), Oil Spill Response, Prevention and Administration Fees Law (RTC, § 46159), Underground Storage Tank Maintenance Fee Law (RTC, § 50112.6), Fee Collection Procedures Law (RTC, § 55045.1), and Diesel Fuel Tax Law (RTC, § 60210.5), effective January 1, 2008. The Board adopted Regulation 4903 in 2010 to implement, interpret, and make specific its authority to grant innocent spouse relief and other equitable relief to taxpayers and feepayers (hereafter collectively "taxpayers") under these 14 additional tax and fee laws. Regulation 4903 generally incorporates the same provisions as Regulation 1705.1, including provisions regarding registered domestic partners. As relevant here, Regulation 4903 currently requires a spouse to file a "written request for relief" to be considered for innocent spouse relief, and it refers to a spouse that has filed such a request as a "claiming spouse" and refers to the spouse of an individual who is requesting innocent spouse relief as the "nonclaiming spouse." Regulation 4903 also currently requires a spouse to file a request for equitable relief within the applicable statute of limitations to be considered for equitable relief.

In addition, the Board added Regulation 4903 to chapter 9.9, Special Taxes Administration-Miscellaneous, of division 2 of title 18 of the California Code of

Regulations because it applies to liabilities incurred under all 14 of the special tax and fee laws listed above. Therefore, when the Board adopted Regulation 4903, the Board also adopted Regulations 1004, 1032, 1124.1, 1249, 1336, 1422.1, 2251, 2303.1, 2433, 2571, 3022, 3302.1, 3502.1, and 4106, which are also entitled *Innocent Spouse or Registered Domestic Partner Relief from Liability*. These cross-referencing regulations are located in other chapters in divisions 1 and 2 of title 18 that correspond with each of the special tax and fee laws listed above, and they currently direct taxpayers to the operative provisions in Regulation 4903.

In 2013, the Board adopted amendments to make Rules for Tax Appeals Regulations 5240, 5241, and 5242 applicable to the filing and review of all the requests for innocent spouse relief and other equitable relief governed by Regulation 4903, except requests filed under the Private Railroad Car Tax Law. This is because Regulations 5240, 5241, and 5242 are contained in chapter 2 of the Rules for Tax Appeals, which does not apply to Private Railroad Car Tax appeals. Also, as relevant here, Regulation 5240, subdivision (a), currently provides for the filing of requests for innocent spouse relief from taxes imposed under the “Diesel Fuel Tax Law” and Regulations 5240, 5241, and 5242 currently contain cross references to specific subdivisions in Regulations 1705.1 and 4903.

#### Effects, Objectives, and Benefits of the Proposed Amendments

In order to receive innocent spouse relief or other equitable relief from a specific tax or fee liability, a spouse must establish that it would be “inequitable” to hold that spouse liable for such amount under the applicable facts and circumstances. As a result, Board staff determined that it would be easier for taxpayers and more efficient for the Board if a taxpayer could file one request for relief in order to be considered for both innocent spouse relief and other equitable relief at the same time. Board staff also determined that there was an administrative issue because Regulations 1705.1, 4903, 5240, 5241, and 5242, collectively, provide for the initial filing and review of a taxpayer’s request for innocent spouse relief, the subsequent filing and review of the taxpayer’s request for other equitable relief only after the taxpayer’s request for innocent spouse relief is denied, and the regulations only permit a taxpayer to request reconsideration from the Board if the taxpayer is denied other equitable relief. Therefore, Board staff prepared a Chief Counsel Memorandum dated May 6, 2015, which recommended that the Board address the administrative issue by:

- Amending Regulations 1705.1 and 4903 so that they no longer require a spouse to file a separate request for equitable relief;
- Amending Regulations 1705.1, 4903, and 5241 so that they require the Board to consider a spouse who files a request for innocent spouse relief for both innocent spouse relief and other equitable relief;
- Amending Regulation 5241 so that it requires the Offer in Compromise Section to send a spouse a “questionnaire and financial statement to complete and return” with the letter acknowledging his or her request for innocent spouse relief so that the Offer in Compromise Section can still obtain the information needed to determine whether other equitable relief is warranted;

- Amending Regulation 5241 so that it requires the Offer in Compromise Section to provide a spouse with instructions about how to request reconsideration in the event relief is initially denied; and
- Amending Regulation 5242 so that a spouse can request reconsideration from the Board if the Offer in Compromise Section denies both innocent spouse relief and other equitable relief as to any liability included in his or her request for innocent spouse relief.

In addition, spouses file “requests,” not claims, for innocent spouse relief under Regulations 1705.1, 4903, and 5240, and Regulation 5241 currently uses the semantically correct phrase “non-requesting spouse” to refer to the spouse of an individual who is requesting innocent spouse relief. However, Regulations 1705.1 and 4903 generally refer to “requests” as “claims,” a spouse requesting relief as a “claiming spouse,” and the spouse of an individual who is requesting relief as a “nonclaiming spouse.” Therefore, in the May 6, 2015, Chief Counsel Memorandum, Board staff recommended addressing these minor inconsistencies by replacing all of Regulations 1705.1’s and 4903’s references to “claims,” “claiming spouse,” and “nonclaiming spouse” with references to “requests,” “requesting spouse,” and “non-requesting spouse,” respectively, so that Regulations 1705.1, 4903, and 5241 use consistent and accurate terminology.

Moreover, in the May 6, 2015, Chief Counsel Memorandum, Board staff recommended that the Board make minor grammatical and formatting changes to renumbered subdivisions (g) and (h) in Regulations 1705.1 and 4903. Board staff also recommended that the Board delete the cross-references to specific subdivisions in Regulations 1705.1 and 4903 from Regulations 5240 and 5242 because the specific subdivisions have been renumbered and it is not necessary to specifically refer to the subdivisions to understand the meaning of Regulations 5240’s and 5242’s cross-references to Regulations 1705.1 and 4903. Board staff further recommended that the Board added an inadvertently omitted “s” to the end of Oil Spill Response, Prevention and Administration “Fee” in Regulation 5240, subdivision (a). Board staff additionally recommended revising the reference to Regulation 5241, subdivision (d), present in subdivision (c) of Regulation 5242 so that it refers to Regulation 5241, subdivision (c).

Board staff submitted the May 6, 2015, Chief Counsel Memorandum to the Board for consideration during its May 27, 2015, meeting and, during the meeting, the Board Members unanimously voted to propose the amendments to Regulations 1705.1, 4903, 5240, 5241, and 5242 recommended by staff, although Chairman Jerome Horton was absent and did not vote. The Board determined that the proposed amendments are reasonably necessary to have the effect and accomplish the objectives of addressing the administrative issue referred to above, ensuring that Regulations 1705.1, 4903, and 5241 use consistent and accurate terminology, and clearly and efficiently administering the RTC provisions for innocent spouse relief and other equitable relief, cited above.

Prior to publishing this notice for the proposed amendments the Board authorized on May 27, 2015, Board staff realized that the Board inadvertently omitted references to RTC section 60601, which authorizes the Board to adopt regulations to implement, interpret, and make specific the provisions of the Diesel Fuel Tax Law, from the 2013 amendments

to Regulations 5240's, 5241's, and 5242's authority notes. And, the Board also inadvertently omitted references to RTC section 60210.5, which authorizes the Board to prescribe regulations providing for innocent spouse relief and other equitable relief from liabilities imposed under the Diesel Fuel Tax Law, from the 2013 amendments to Regulations 5240's, 5241's, and 5242's reference notes. Therefore, the Board has also included references to RTC sections 60601 and 60210.5 in the proposed amendments to Regulations 5240's, 5241's, and 5242's authority and reference notes, respectively, which were not discussed in the May 6, 2015, Chief Counsel Memorandum, because the Board has determined that these additional amendments are reasonably necessary to have the effect and accomplish the objective of addressing the Board's prior omissions from the 2013 amendments.

The Board has performed an evaluation of whether the proposed amendments to Regulations 1705.1, 4903, 5240, 5241, and 5242 are inconsistent or incompatible with existing state regulations and determined that the proposed amendments are not inconsistent or incompatible with existing state regulations. This is because Regulations 1004, 1032, 1124.1, 1249, 1336, 1422.1, 1705.1, 2251, 2303.1, 2433, 2571, 3022, 3302.1, 3502.1, 4106, 4903, 5240, 5241, and 5242 are the only state regulations that specifically implement, interpret, and make specific the RTC provisions for innocent spouse relief and other equitable relief, cited above. Regulations 1004, 1032, 1124.1, 1249, 1336, 1422.1, 2251, 2303.1, 2433, 2571, 3022, 3302.1, 3502.1, and 4106 primarily cross-reference and direct taxpayers to the operative provisions in Regulation 4903. The proposed amendments will ensure that Regulations 1705.1, 4903, and 5241 use consistent and accurate terminology. And, the Board's evaluation of Regulations 1004, 1032, 1124.1, 1249, 1336, 1422.1, 1705.1, 2251, 2303.1, 2433, 2571, 3022, 3302.1, 3502.1, 4106, 4903, 5240, 5241, and 5242 did not reveal any inconsistencies between the regulations that are not being addressed in the proposed amendments.

In addition, Internal Revenue Code (IRC) section 6015 (26 U.S.C. § 6015) currently contains some provisions providing relief from joint income tax liabilities that are comparable to the RTC provisions for innocent spouse relief and other equitable relief, cited above. These IRC provisions are implemented, interpreted, and made specific by 26 Code of Federal Regulations parts 1.6015-1 (procedures), 1.6015-2 (innocent spouse relief), 1.6015-4 (equitable relief), 1.6015-5 (filing requests), and 1.6015-7 (Tax Court review), which contain some provisions that are comparable to the provisions in Regulations 1705.1, 4903, 5240, 5241, and 5242 discussed above. However, the Board has determined that the proposed amendments to Regulations 1705.1, 4903, 5240, 5241, and 5242 do not differ substantially from federal law because part 1.6015-1(a)(2) permits a requesting spouse to submit a single request or claim for both innocent spouse relief under part 1.6015-2 and equitable relief under part 1.6015-4, and requires the Internal Revenue Service to consider whether a person who files such a claim is eligible for relief under both parts. Part 1.6015-7 permits a requesting spouse to petition the Tax Court for the review of the denial of any relief available under the procedures in part 1.6015-1, including innocent spouse relief under part 1.6015-2 and equitable relief under part 1.6015-4. Also, the federal regulations use the terms "requesting spouse" and "nonrequesting spouse."

## NO MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS

The Board has determined that the adoption of the proposed amendments to Regulations 1705.1, 4903, 5240, 5241, and 5242 will not impose a mandate on local agencies or school districts, including a mandate that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code.

## NO COST OR SAVINGS TO ANY STATE AGENCY, LOCAL AGENCY, OR SCHOOL DISTRICT

The Board has determined that the adoption of the proposed amendments to Regulations 1705.1, 4903, 5240, 5241, and 5242 will result in no direct or indirect cost or savings to any state agency, no cost to any local agency or school district that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code, no other non-discretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State of California.

## NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Board has made an initial determination that the adoption of the proposed amendments to Regulations 1705.1, 4903, 5240, 5241, and 5242 will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The adoption of the proposed amendments to Regulations 1705.1, 4903, 5240, 5241, and 5242 may affect small business.

## NO COST IMPACTS TO PRIVATE PERSONS OR BUSINESSES

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

## RESULTS OF THE ECONOMIC IMPACT ASSESSMENT REQUIRED BY GOVERNMENT CODE SECTION 11346.3, SUBDIVISION (b)

The Board has determined that the proposed amendments to Regulations 1705.1, 4903, 5240, 5241, and 5242 are not a major regulation, as defined in Government Code section 11342.548 and California Code of Regulations, title 1, section 2000. Therefore, the Board has prepared the economic impact assessment required by Government Code section 11346.3, subdivision (b)(1), and included it in the initial statement of reasons. The Board has determined that the adoption of the proposed amendments to Regulations 1705.1, 4903, 5240, 5241, and 5242 will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California. Furthermore, the Board has determined that the



adoption of the proposed amendments to Regulations 1705.1, 4903, 5240, 5241, and 5242 will not affect the benefits of the regulations to the health and welfare of California residents, worker safety, or the state's environment.

#### NO SIGNIFICANT EFFECT ON HOUSING COSTS

The adoption of the proposed amendments to Regulations 1705.1, 4903, 5240, 5241, and 5242 will not have a significant effect on housing costs.

#### DETERMINATION REGARDING ALTERNATIVES

The Board must determine that no reasonable alternative considered by it or that has been otherwise identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposed action.

#### CONTACT PERSONS

Questions regarding the substance of the proposed amendments should be directed to Bradley M. Heller, Tax Counsel IV, by telephone at (916) 323-3091, by e-mail at [Bradley.Heller@boe.ca.gov](mailto:Bradley.Heller@boe.ca.gov), or by mail at State Board of Equalization, Attn: Bradley Heller, MIC:82, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0082.

Written comments for the Board's consideration, notice of intent to present testimony or witnesses at the public hearing, and inquiries concerning the proposed administrative action should be directed to Mr. Rick Bennion, Regulations Coordinator, by telephone at (916) 445-2130, by fax at (916) 324-3984, by e-mail at [Richard.Bennion@boe.ca.gov](mailto:Richard.Bennion@boe.ca.gov), or by mail at State Board of Equalization, Attn: Rick Bennion, MIC:80, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0080.

#### WRITTEN COMMENT PERIOD

The written comment period ends at 9:30 a.m. on September 15, 2015, or as soon thereafter as the Board begins the public hearing regarding the adoption of the proposed amendments to Regulations 1705.1, 4903, 5240, 5241, and 5242 during the September 15-17, 2015, Board meeting. Written comments received by Mr. Rick Bennion at the postal address, email address, or fax number provided above, prior to the close of the written comment period, will be presented to the Board and the Board will consider the statements, arguments, and/or contentions contained in those written comments before the Board decides whether to adopt the proposed amendments to Regulations 1705.1, 4903, 5240, 5241, and 5242. The Board will only consider written comments received by that time.

## AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board has prepared underscored and strikeout versions of the text of Regulations 1705.1, 4903, 5240, 5241, and 5242 illustrating the express terms of the proposed amendments. The Board has also prepared an initial statement of reasons for the adoption of the proposed amendments to Regulations 1705.1, 4903, 5240, 5241, and 5242, which includes the economic impact assessment required by Government Code section 11346.3, subdivision (b)(1). These documents and all the information on which the proposed amendments are based are available to the public upon request. The rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed amendments and the initial statement of reasons are also available on the Board's Website at [www.boe.ca.gov](http://www.boe.ca.gov).

## SUBSTANTIALLY RELATED CHANGES PURSUANT TO GOVERNMENT CODE SECTION 11346.8

The Board may adopt the proposed amendments to Regulations 1705.1, 4903, 5240, 5241, and 5242 with changes that are nonsubstantial or solely grammatical in nature, or sufficiently related to the original proposed text that the public was adequately placed on notice that the changes could result from the originally proposed regulatory action. If a sufficiently related change is made, the Board will make the full text of the proposed regulation, with the change clearly indicated, available to the public for at least 15 days before adoption. The text of the resulting regulation will be mailed to those interested parties who commented on the original proposed regulation orally or in writing or who asked to be informed of such changes. The text of the resulting regulation will also be available to the public from Mr. Bennion. The Board will consider written comments on the resulting regulation that are received prior to adoption.

## AVAILABILITY OF FINAL STATEMENT OF REASONS

If the Board adopts the proposed amendments to Regulations 1705.1, 4903, 5240, 5241, and 5242, the Board will prepare a final statement of reasons, which will be made available for inspection at 450 N Street, Sacramento, California, and available on the Board's Website at [www.boe.ca.gov](http://www.boe.ca.gov).